

Exhibit 3

From: Earl Davis <mellowpad@earthlink.net>
To: Leigh Morse <lmorse@salander.com>
Date: Wednesday, May 31, 2006 2:55 PM
Subject: getting on the same page

Hi Leigh -

I don't need to speak about this with you any further than I indicated in my message to you yesterday. I thought that I was pretty clear in communicating to you during our prior couple of conversations in which we discussed the possibility of this recent group sale - that I wanted to be kept abreast of any changes or sales developments - one way or another. As I recall you last indicated that you didn't expect to know anything until the following Tuesday. Based on that - I expected to hear from you at that time - but didn't. Instead I found myself yet again in the position of having to ask Larry - who I already have overwhelming significant issues with - what the status of this new group sale is. At this point, our relationship does not need another financial stressor for me to have to feel burdened to have to ask about.

From my perspective, Leigh, the gallery's accounting style and capabilities (as they have related to me) are in shambles and needs to be fundamentally changed fast. There has to be some way to inform me (or anyone else) immediately and directly of any interest in specific works and to confirm the existing asking prices. At the same time - there has to be some way to inform me immediately and directly as to an actual sale and to appraise me of when to expect payment. This cannot be left simply for Larry to do so - he is no longer capable of handling every such communication and accounting detail. When any payment is delayed - I also need the gallery to actually contact me to appraise me of the delay (rather than me being put in the awkward position of having to constantly keep track of outstanding \$ due).

Things used to work relatively smoothly in this manner, but in the last three or so years I have found myself in the position of continually having to ask Andy and then Larry why various payments hadn't been made on numerous separate deals - a number of which remain outstanding.

On top of that - I only happened to learn by accident a couple of years ago that the Drawing on canvas for Punchcard Flutter had been sold the prior year - no one ever told me, confirmed the price or followed through to pay me.

A similar thing happened with the \$due me in 2004 from Yale.

Then this last December Larry made a group sale deal of the three major 'table' still-lifes, along with 'Windshield Mirror' on his own - without consulting me!! He

negotiated this deal based on significantly reduced versions of much older prices, with the total amount to be paid over 3-4 years. He did this in full knowledge that I had informed both yourself and him that I was raising Windshield to \$1.5 million and wanted to similarly re-appraise all my other paintings (especially en lieu of the December record sales!). I was totally appalled and outraged that he did this and requested that he undo the deal immediately - but he claimed to be unable to do so and mollified me instead by apologizing and offering to forego his commission and to pay me the full amount by the end of 2006. Short of ending our longterm friendship with a lawsuit - I chose to take his promise on this once again.

But now there is suddenly another group sale, and although it seems to have been put together by you, it comes on top of my recent history with Larry - of which I have offered you this highly reduced general picture - in hopes that you will understand why I do not want to have yet another financial issue come between myself and Larry that I will be forced to pester him about.

I also hope that this explains why I need to formally request that I receive my entire inventory of works by my father returned immediately and as soon as possible on works outstanding - just to assure myself that everything is accountable for and that I actually can!

I would be glad to hear any response you have to all this - but would appreciate if you can keep my communication about all this confidential so as not to further upset the precarious apple-cart.

Otherwise, what I specifically need to know from you (by email would suffice) is whether this recent group has actually been sold, whether any changes were made, for how much \$, and when you expect to be paid. With Larry out of commission in the near future, I would also like to know if you can make yourself personally responsible for ensuring that I receive my share of the payment immediately upon your own receipt - so that I am not placed once again in the disturbing position of having to ask about it. Finally- if, for some reason, you can't be responsible - who will be?

I hope this has been clear enough so that we are on the same page.

Thank you,

Earl

Earl Davis <mellowpad@earthlink.net>

> From: Leigh Morse <lmorse@salander.com>
> Date: Tue, 30 May 2006 14:35:25 -0400
> To: Earl Davis <mellowpad@earthlink.net>
> Subject: Re calling
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> Hi Earl,
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> Our phones have not been working and I now am going to be out all day as
> well. Yes, I have been operating with a different idea of communicating.
> That said, I will be in tomorrow morning and would be happy to speak with
> you then. Why don't you call me at your convenience and if I am not free, I
> will get right back to you. I had thought I would see you last
> Thursday.....
>
> Leigh
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